

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/283,702 | 04/01/99 | BARRY | D 9045-2 |

020792 LM71/0119
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

EXAMINER

HAYES, J

ART UNIT**PAPER NUMBER**

2761

DATE MAILED: 01/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

020792 LM71/0119
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|-------------|-----------------------------------|-----------------------------|---------------|
| 09/283,702 | 04/01/99 | 066 | HAYES, J | 2761 01/19/00 |
| First Named Applicant | BARRY, | 35 USC 154(b) term ext. - 0 days. | | |

TITLE OF INVENTION SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR GUIDING THE SELECTION OF THERAPEUTIC TREATMENT REGIMENS

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|----------|----------|
| 2 9045-2 | 705-003.000 | H17 | UTILITY | YES | \$605.00 | 04/19/00 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

09/283,702

Applicant(s)

BARRY ET AL.

Examiner

John W Hayes

Art Unit

2761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. ☒ This communication is responsive to Amendment filed 22 December 1999.
2. ☒ The allowed claim(s) is/are 1-5, 7-28 and 30-68.
3. ☐ The drawings filed on _____ are acceptable.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of the CERTIFIED copies of the priority documents have been
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number). _____
3. ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- (a) ☐ because the originally filed drawings were declared by applicant to be informal.
- (b) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No. 3.
- (c) ☒ including changes required by the proposed drawing correction filed 22 December 1999, which has been approved by the examiner.
- (d) ☐ including changes required by the attached Examiner's Amendment / Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 4
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____
- 6 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 22 December 1999. These drawings are approved.
2. The drawings filed on 1 April 1999 are subject to correction of the informalities indicated on the "Notice of Draftperson's Patent Drawing Review," PTO-948 forwarded along with the first Office Action. In order to avoid abandonment of this application, correction is required.
3. The application having been allowed, formal drawings are required in response to this Office Action.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken Sibley, Myers, Bigel, Sibley and Sajovec, P.A., on 5 January 2000.

5. The application has been amended as follows: In claim 50, lines 7 and 8, delete ", and information for drug treatments for other conditions."

Reasons for Allowance

6. Claims 1-5, 7-28 and 30-68 are allowed over the prior art of record.

Art Unit: 2761

7. The following is an examiner's statement of reasons for allowance:

As per amended claim 1, the prior art of record taken either individually or in combination fails to teach or suggest a method for guiding the selection of a therapeutic treatment regimen for a patient with a known disease or medical condition including generating in a computing device a ranked listing of available therapeutic treatment regimens and advisory information for one or more therapeutic treatment regimens in the ranked listing based on patient information and expert rules. The specific allowable feature, which distinguishes the present invention over the prior art is the generation of a ranked listing of available therapeutic treatment regimens for the patient. Claims 2-5 and 7-23 are dependent upon claim 1 and thus have all the limitations of claim 1 and are allowable for that reason.

As per amended claim 24, the prior art of record taken either individually or in combination fails to teach or suggest a system for guiding the selection of a therapeutic treatment regimen for a patient with a known disease or medical condition including a means for generating in a computing device a ranked listing of available therapeutic treatment regimens and advisory information for one or more therapeutic treatment regimens in the ranked listing based on patient information and expert rules. The specific allowable feature, which distinguishes the present invention over the prior art is the generation of a ranked listing of available therapeutic treatment regimens for the patient. Claims 25-28 and 30-46 are dependent upon claim 24 and thus have all the limitations of claim 24 and are allowable for that reason.

As per amended claim 47, the prior art of record taken either individually or in combination fails to teach or suggest a computer program product for guiding the selection of a therapeutic treatment regimen for a patient with a known disease or medical condition including computer readable program code means for generating a ranked listing of available therapeutic treatment regimens and advisory information for one or more therapeutic treatment regimens in the ranked listing based on patient information and expert rules. The specific allowable feature, which distinguishes the present invention over the prior art is the generation of a ranked listing of available therapeutic treatment regimens for the patient. Claims 48-68 are dependent upon claim 47 and thus have all the limitations of claim 47 and are allowable for that reason.

Art Unit: 2761

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 7:30 to 4:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703) 305-9714.

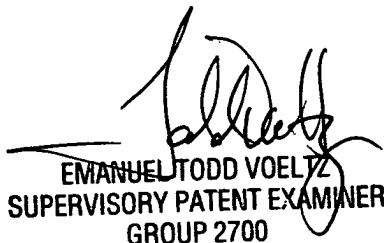
The Fax phone number for the **UNOFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 305-0040 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

The Fax phone number for the **OFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 308-9051 or 9052 (for formal communications intended for entry).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jwh

5 January 2000


EMANUEL TODD VOELTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700